

AMENDMENTS TO LB 76

(Amendments to E & R amendments, AM7128)

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 "Section 1. Section 29-2532, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 29-2532. (1)(a) Until January 1, 2001, the mode of
6 inflicting the punishment of death, in all cases, shall be by
7 causing to pass through the body of the convicted person a current
8 of electricity of sufficient intensity to cause death; and the
9 application of such current shall be continued until such convicted
10 person is dead.

11 (b) On and after January 1, 2001, the mode of inflicting
12 the punishment of death shall be by a continuous, intravenous
13 administration of a lethal quantity of an ultra-short-acting
14 barbiturate in connection with a chemical paralytic agent and an
15 agent to cause cardiac arrest into the body of the convicted person
16 until death occurs. The person administering the injection need
17 not be a physician, registered nurse, or licensed practical nurse,
18 licensed or registered under the laws of this state or any other
19 state. The infliction of the punishment of death by lethal
20 injection shall not be construed to be the practice of medicine,
21 and any pharmacist or pharmaceutical supplier may supply the
22 necessary drugs as needed and without prescription to the warden.
23 The warden of the Nebraska Penal and Correctional Complex, and in

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1 case of his or her death, sickness, absence or inability to act,
2 then the deputy warden, shall be the executioner. ~~The PROVIDED,~~
3 ~~the~~ warden may in writing specially designate and appoint a
4 suitable and competent person to act for him or her, and under his
5 or her direction, as executioner in any particular case. A crime
6 punishable by death must be punished according to the provisions
7 herein made and not otherwise.

8 Sec. 2. Section 29-2533, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 29-2533. When any person shall be sentenced to ~~be~~
11 ~~electrocuted~~ death, such punishment shall be inflicted within the
12 walls of the Department of Correctional Services adult correctional
13 facility, or within the yard or enclosure adjacent thereto, under
14 the supervision of the warden and in such a manner as to exclude
15 the view of all persons save those permitted to be present as
16 provided in sections 29-2534 and 29-2535.

17 Sec. 3. Section 29-2542, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 29-2542. If any person who has been convicted of a crime
20 punishable by death, and sentenced to ~~be electrocuted~~ death, shall
21 escape, and shall not be retaken before the time fixed for his or
22 her execution, it shall be lawful for the warden, or any sheriff or
23 other officer or person to rearrest such person and return him or
24 her to the custody of the warden of the Nebraska Penal and
25 Correctional Complex, who shall thereupon make return thereof to
26 the Governor of the state, and the Governor shall thereupon issue a
27 warrant, fixing and appointing a day for the execution, which shall

1 be carried into effect by the warden in the same manner as herein
2 provided for the execution of an original sentence of death.

3 Sec. 4. Section 29-2543, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 29-2543. Whenever any person has been tried and
6 convicted before any district court in this state of a crime
7 punishable by death and under the conviction has been sentenced by
8 the court to suffer death, it shall be the duty of the clerk of the
9 court before which the conviction was had to issue a warrant, under
10 the seal of the court, reciting therein the conviction and sentence
11 directed to the warden of the Nebraska Penal and Correctional
12 Complex, commanding him or her to proceed at the time named in the
13 sentence to carry the same into execution by causing the person so
14 convicted and sentenced to be ~~electrocuted~~ put to death by the
15 ~~passage of an electric current through the body until dead~~ means
16 set forth in section 29-2532. The clerk shall deliver the warrant
17 to the sheriff of the county in which conviction was had and such
18 sheriff shall thereupon forthwith remove such convicted person to a
19 Department of Correctional Services adult correctional facility of
20 the state and there deliver him or her, together with the warrant,
21 into the custody of the warden who shall receive and safely keep
22 such convict within a Department of Correctional Services adult
23 correctional facility until the time of execution or until
24 otherwise ordered by competent authority.

25 Sec. 5. Original sections 29-2532, 29-2533, 29-2542, and
26 29-2543, Reissue Revised Statutes of Nebraska, are repealed.".